

**GATEWAY CITIES COUNCIL OF GOVERNMENTS  
TESTIMONY TO THE CALIFORNIA PERFORMANCE REVIEW COMMISSION  
IN SUPPORT OF THE SAN GABRIEL AND LOWER LOS ANGELES RIVERS  
AND MOUNTAINS CONSERVANCY  
September 17, 2004**

The California Performance Review Commission was convened to “restructure, reorganize and reform state government to make it more responsive to the needs of its citizens and business community.”

This is a laudable goal supported by all Californians. Unfortunately, we must take exception to one of the Commission’s recommendations which in our view fails to advance the Commission’s purpose.

Recommendation 12 of Chapter 5 (Resource Conservation and Protection) of the CPR report addresses state land conservancies. It recommends that three of eight conservancies remain unchanged: the Coastal Conservancy, the California Tahoe Conservancy and the Santa Monica Mountains Conservancy (SMMC). These three are declared to “concentrate on the protection of land and habitat resources that are of statewide interest.”

Five other conservancies including the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) are declared to “focus on land acquisitions that are of regional or local interest.” The Commission recommends that these five conservancies be “devolved” to become local joint powers authorities and that all state funding for Conservancy staff be eliminated at an estimated annual savings to the state of \$2 million for the five dissolved conservancies combined.

The Report further criticizes the lack of a statewide master plan with “comprehensive, strategic guidelines for land acquisition and resource protection.”

The Report recognizes that the conservancies have “increased state funding for land acquisition and management in the areas in which conservancies are located.” It does not address the likely state funding impacts of devolution. The Report recognizes that this “devolution” would require legislation since the conservancies were established by legislation. It does not appear to recognize, however, that a local joint powers authority cannot be created by state legislation.

**Background.** The legislation creating the RMC was sponsored by local governments precisely for the purpose of making State government “more responsive to the needs of its citizens and business community.” We believe the RMC has made good on that promise.

In sum, the CPR recommendation fails to recognize the following:

- The RMC covers two counties, 68 cities, two watersheds, a mountain range, nearly 1500 square miles, 7 million people and rare Mediterranean habitat. It is of statewide interest.
- The recommendation exempts the Santa Monica Mountains and Tahoe Conservancies from dissolution. These two Conservancies are older, more entrenched, less urban, have more assets and serve less diverse or underserved communities, but objectively they are no more or less “local” than the RMC.
- The RMC is a true state-local partnership with state professional guidance and state designated environmentally sound boundaries, but with respect for local land use authority. The State staff can be most successful and cost-effective by working from within RMC territory, not from a Sacramento office.
- At the same time, the SMMC which is to remain a state agency has the power of eminent domain. Without the RMC, it could again be tempted to expand.
- The RMC chose not to become a major landholder in order to avoid duplication of services. The RMC should be applauded, not penalized.
- The report calls for comprehensive and strategic open space planning. The RMC has created precisely such a plan for its large and complex area. This plan can be one building block for an eventual statewide plan. Without it, there would have been only piecemeal local plans.
- The RMC has increased state bond funds coming into our park-starved underserved urban area. The RMC staff is primarily funded from these bond funds. Bond funds must be used to administer bond projects. The recommendation would not result in savings. It would only result in State staff managing local projects from Sacramento – not efficient or effective.
- The RMC receives no General Fund money. Furthermore, the so-called savings are trivial. The RMC annual operating budget is about \$250,000.

**Problems with CPR Analysis.** The following details the problems with the report's' analysis.

State and Local Interest: It is clear that the Coastal Conservancy has a statewide scope that sets it aside from all other land conservancies in the state. Setting that one conservancy aside, all of the other conservancies are regional. The objective difference between those to be retained (Tahoe and Santa Monica Mountains) and those to be dissolved (including RMC and Baldwin Hills) is that those to be retained are older, wealthier, and hold more land while those to be dissolved are newer, more urban and serve more diverse and less affluent populations. The RMC serves two counties, 68 cities, two watersheds, a mountain range, nearly 1500 square miles, 7 million people and rare Mediterranean habitat. Local and State interest do not have to be mutually exclusive. It is clearly of more than local interest.

Governance: The conservancies to be retained are those with more land holdings. Each of these has the power of eminent domain. In contrast, the RMC is built on respect for local government home rule. Not only, does it specifically prohibit acquisition by eminent domain, it is also legally bound to respect local planning and zoning codes and ordinances. In addition, the RMC made an early decision not to emphasize land holding in order not to duplicate services already provided by other agencies. Rather, the RMC's preferred mode of operation is to purchase land through grants to existing operating agencies in order not to create inefficiencies in the use of state tax dollars. Since the CPR suggests retaining conservancies that are not required to respect local land use authority, it may actually lay the groundwork for expanding them. The RMC founding legislation also built in a consensus process by requiring a majority of cities representing a majority of the population and the County of Los Angeles to endorse the RMC Open Space Plan. In fact, the County, water agencies and all but 3 of the 68 cities served formally endorsed the plan.

Comprehensive Planning: The CPR Report bemoans the lack of comprehensive state strategic guidelines for land acquisition. Dissolving the conservancies will do nothing to solve this problem. In fact, prior to the conservancy, there was no mechanism for regional planning within a state framework. The establishment of the RMC created a forum for development of a regional open space plan under the guidance of state staff resulting in the document *From the Mountains to the Sea*. The State, two counties, 68 cities, the US Forest Service and numerous community organizations participated in the development of this plan and formally approved it. The RMC created a model for state-local partnership in environmental planning. As a state agency, the RMC ensured that the plan was not developed in isolation from developments, approaches and expertise in the rest of the state. In addition, state legislation designates ecologically meaningful boundaries whereas a local joint powers authority could result in a patchwork subject to membership changes. If the State undertakes to develop a comprehensive statewide plan, the pioneering work of the conservancies will be available to build on, making that task more efficient and effective.

Fiscal Impact: The CPR Report acknowledges that the creation of the conservancies increased state bond funding for the areas served. In fact, increased funding was one of the primary reasons the COG supported legislation

to found the RMC. The two million residents of the COG territory and the seven million residents of the RMC territory are starved for open space and were not receiving an equitable return on their contributions to the repayment of state bonds, to the environmental license plate fund and to the state general fund. Without a State agency involved, it becomes that much less likely that a significant portion of future bond funds would be directed to our area.

The Conservancies today receive no State General Fund monies so there could be no State General Fund Savings. In fact, the conservancies are primarily funded by park and open space bonds and secondarily by the environmental license plate fund. In the most recent year which is displayed in the CPR report the conservancies used approximately \$2 million in these funds to administer over \$30 million in state bond funds and that was before the San Diego conservancy was fully operational. This is very efficient performance. The RMC in the current fiscal year received only \$33,000 in environmental license plate funding, although more is certainly hoped for in the future. The bond funds cannot be used for any other purpose and the bond projects must be administered by state staff. The alternative to administration by state conservancy staff is administration by state staff located in Sacramento. By their distance from the projects, the project areas and the project sponsors, these staff are less likely to be able to provide effective decision making, training and oversight and cannot realistically assist smaller cities in project development. In addition, state travel and telephone costs may be expected to increase. The environmental license plate funds can only be used for limited purposes. The conservancies help direct these funds to areas where there is a broad local and regional consensus on environmental priorities.

### **Conclusion**

The RMC has been effective meeting its legislative purpose by directing state resources in accordance with a comprehensive open space plan, broad regional consensus and the professional guidance of state staff into an area of extraordinary need. It has been efficient doing this without building a duplicative bureaucracy for land maintenance. It has operated in a spirit of collaboration and respect for local priorities and home rule.

On September 1, 2004, the Board of Directors of the Gateway Cities Council of Governments representing 27 cities in southeast Los Angeles County voted unanimously to oppose recommendation RES 12 of the California Performance Review Report. We urge in the strongest terms that you keep good faith with the people of Los Angeles County by recognizing their natural resources, the need to restore and preserve them and their right to enjoy them by continuing to partner with us through the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.